

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 5:20CR400
)	
Plaintiff,)	JUDGE PAMELA A. BARKER
)	
v.)	
)	<u>UNITED STATES' RESPONSE TO</u>
JOSEPH A. CIPOLLETTI,)	<u>DEFENDANT JOSEPH A. CIPOLLETTI'S</u>
)	<u>MOTION TO CONTINUE SENTENCING</u>
Defendant.)	

The United States of America, by and through its counsel, Michelle M. Baeppler, First Assistant United States Attorney, and Brian McDonough, Assistant U.S. Attorney, respectfully opposes Defendant Joseph A. Cipolletti's Motion to Continue Sentencing (ECF No. 51) from November 29, 2022 to January 2023, because the United States' witnesses for the sentencing hearing will be out-of-town and unavailable at various times in January and February 2023 due to prior commitments; and counsel for the United States has trials scheduled for January 30, 2023¹, and February 13, 2023².

Alternatively, in lieu of continuing the sentencing hearing to January or February 2023, the United States would like to explore if it could be conducted sometime by December 31, 2022, and suggests a telephonic pretrial conference with counsel to review potential dates.

Counsel for the United States spoke with defense counsel about the sentencing hearing, which would include testimony and exhibits concerning the amount of loss. The hearing would include the United States calling 1-2 witnesses and cross examination by the defense. The hearing and sentencing should last approximately 2-3 hours.

¹ *United States v. Javon Jonathan Spencer*, Case No. 1:21-cr-881, Judge Pearson; *United States v. Raymond A. Marchie*, et al., Case No. 1:21-cr-394, Judge Boyko

² *United States v. Priscilla D. Williams*, Case No. 1:22-cr-442, Judge Pearson

Lastly, under the Crime Victims' Rights Act, Title 18 U.S.C. § 3771, *et seq.* victims have the right to proceedings that are free from unreasonable delay. This case was indicted on July 23, 2020. Defendant, by and through former counsel or current counsel, has requested continuances of pretrials or trials in this case on 7 prior occasions. See ECF Nos. 10, 18, 33, 38, 40, 42, and 45. The United States did not oppose any of the prior continuances. The United States would like to see if a mutually agreeable hearing date could be held in 2022, if possible.

Respectfully submitted,

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